

ASSEMBLY BILL

No. 733

Introduced by Assembly Member Charles Calderon

February 22, 2007

An act to amend Section 19844 of the Business and Professions Code, relating to gambling.

LEGISLATIVE COUNSEL'S DIGEST

AB 733, as introduced, Charles Calderon. Gambling: exclusion from gambling establishments.

The Gambling Control Act provides for the licensure of certain individuals and establishments involved in various gambling activities, and for the regulation of those activities, by the California Gambling Control Commission. The act provides for the enforcement of those activities by the Division of Gambling Control within the Department of Justice.

Existing law requires the commission, by regulation, to provide for the formulation of a list of persons who are to be excluded or ejected from any gambling establishment, to distribute that list to all owner licensees, and to provide notice to any persons included on the list. Existing law requires the commission to adopt regulations establishing procedures for the hearing of petitions by persons who are ejected or excluded from licensed premises pursuant to these or other specified provisions.

This bill would, instead, require that the above duties relating to persons who are to be excluded or ejected from any gambling establishment be performed by the Division of Gambling Control. The bill would allow the commission to recommend to the division the

names of persons it believes should be included on the list of those persons.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 19844 of the Business and Professions
2 Code is amended to read:
3 19844. (a) The ~~commission~~ *division* shall, by regulation,
4 provide for the formulation of a list of persons who are to be
5 excluded or ejected from any gambling establishment. The list
6 may include any person whose presence in the establishment is
7 determined by the ~~commission~~ *division* to pose a threat to the
8 interests of this state or to controlled gambling, or both.
9 (b) In making the determination described in subdivision (a),
10 the ~~commission~~ *division* may consider, but is not limited to
11 considering, any of the following:
12 (1) Prior conviction of a crime that is a felony in this state or
13 under the laws of the United States, a crime involving moral
14 turpitude, or a violation of the gambling laws of this or any other
15 state.
16 (2) The violation of, or conspiracy to violate, the provisions of
17 this chapter relating to the failure to disclose an interest in a
18 gambling establishment for which the person is required to obtain
19 a license, or the willful evasion of fees.
20 (3) A notorious or unsavory reputation that would adversely
21 affect public confidence and trust that the gambling industry is
22 free from criminal or corruptive elements.
23 (4) An order of exclusion or ejection from a racing enclosure
24 issued by the California Horse Racing Board.
25 (c) The ~~commission~~ *division* shall distribute the list of persons
26 who are to be excluded or ejected from any gambling establishment
27 to all owner licensees and shall provide notice to any persons
28 included on the list.
29 (d) The ~~commission~~ *division* shall adopt regulations establishing
30 procedures for *the* hearing of petitions by persons who are ejected
31 or excluded from licensed premises pursuant to this section or
32 pursuant to Section 19845.

1 (e) The commission, *upon recommendation of the division*, may
2 revoke, limit, condition, or suspend the license of an owner, or
3 fine an owner licensee, if that licensee knowingly fails to exclude
4 or eject from the gambling establishment of that licensee any
5 person included on the list of persons to be excluded or ejected.

6 (f) *The commission may recommend to the division the names*
7 *of persons it believes should be included on the list of persons who*
8 *are to be excluded or ejected from any gambling establishment.*

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